

112TH CONGRESS
1ST SESSION

S. 678

To increase the penalties for economic espionage.

IN THE SENATE OF THE UNITED STATES

MARCH 30, 2011

Mr. KOHL (for himself, Mr. WHITEHOUSE, and Mr. COONS) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To increase the penalties for economic espionage.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Economic Espionage
5 Penalty Enhancement Act”.

6 **SEC. 2. AMENDMENT TO TITLE 18.**

7 Section 1831(a) of title 18, United States Code, is
8 amended by striking “15 years” and inserting “20 years”.

1 **SEC. 3. DIRECTIVE TO SENTENCING COMMISSION.**

2 Pursuant to its authority under section 994(p) of title
3 28, United States Code, the United States Sentencing
4 Commission shall—

5 (1) review its guidelines and policy relating to
6 a two-level enhancement for economic espionage; and

7 (2) as a part of such review consider amending
8 such guidelines to—

9 (A) apply the two-level enhancement to the
10 simple misappropriation of a trade secret;

11 (B) apply an additional two-level enhance-
12 ment if the defendant transmits or attempts to
13 transmit the stolen trade secret outside of the
14 United States and an additional three-level en-
15 hancement if the defendant instead commits
16 economic espionage (i.e., he/she knew or in-
17 tended that the offense would benefit a foreign
18 government, foreign instrumentality, or foreign
19 agent); and

20 (C) provide when a defendant transmits
21 trade secrets outside of the United States or
22 commits economic espionage, that the defend-
23 ant should face a minimum offense level.

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